

REMARKS

Remarks

Applicant hereby traverses the outstanding rejections, and request reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 6, 16, and 19 have been canceled without prejudice. Claims 20-27 and 29-32 are indicated as having allowable material. Claims 7-8 and 10-11 stand withdrawn from consideration. Claims 1-5, 7-15, 17-18, and 20-32 are pending in this application.

Informalities

The specification has been amended to correct a typographical error in Related Applications section. The Applicant has corrected the serial number of the third listed provisional application to read 60/269,151. No new matter has been entered. Applicant notes that the same error occurs in the declaration. Applicant believes that this typographical error does not require correction.

Election Requirement

In response to the Examiner's Election of Species Requirement in the current Office Action, Applicants hereby elect species A, for further prosecution. The election is being made WITHOUT TRAVERSE.

The claims readable on the species A are as follows:

Claims 5-6, with claims 1-4, 9, and 12-32 being generic.

Rejection under 35 U.S.C. §103(a)

Claims 1 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Donnel, Jr. ('668) in view of Lai et al. ('572, hereinafter Lai).

Claims 1-6, 19, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jethmalani et al ('642, hereinafter Jethmalani) in view of Lai.

Claims 9 and 12-18 are rejected under Lai 35 U.S.C. § 103(a) as being unpatentable over Jethmalani in view of Lai, in further view of Swinger et al. ('792), Yasuda et al. ('056), and Appledorn et al. ('876).

Each of these rejections involve Lai. Applicant notes that this application has priority to three provisional applications, namely 60/235,457, 60/235,454, both filed on September 26, 2000, and 60/269,151, filed on February 15, 2001. The filing dates of these applications are prior to the filing date of the Lai reference, which is September 21, 2001. Since the subject matter of claims 1-5, 9, 12-15, 17-18, and 28 are believed to be found in one or more of these provisional applications, then Lai is not a proper reference that is available to be used as prior art to these claims. Therefore, please withdraw these rejections of record.

Conclusion

The Examiner is thanked for the indication that claims 20-27 and 29-32 include allowable subject matter.

For all the reasons given above, the Applicant submits that the pending claims distinguish over the prior art of record under 35 U.S.C. § 103. Accordingly, the Applicant submits that this application is in full condition for allowance.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Applicant believes \$55.00 fee is due with this response and a check is enclosed. If any additional is due, please charge Deposit Account No. 06-2380, under Order No. 60724/P009US/10103110 from which the undersigned is authorized to draw.

Application No.: 09/964,786

Docket No.: 60724/P009US/10103110

Dated: May 26, 2004

Respectfully submitted,

By 

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482734633US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 26, 2004

Signature: 

Joy Perigo